

TEXAS STATE BOARD PODIATRY EXAMINERS
EXECUTIVE OFFICE BLDG.
411 West 13th St. #504
Austin, Texas 78701
J.C. LITTRELL, DPM
Executive Director

July 14, 1986

AGREED ORDER OF
SUSPENSION AND PROBATION OF SUPENSION LICENSE

On June 12, 1986 in open hearing before the Texas State Board of Podiatry Examiners and agreement between the Board Staff and Dr. Carl Wininger, License Number 779, as set forth herein. The Board of Podiatry Examiners unanimously approved the agreement which is as follows;

FINDINGS OF FACT

1. Dr. Carl D Wininger was convicted of a felony on March 10, 1986, in the United States District Court for the Southern District of Texas.
2. The Honorable United States District Court for the Southern District of Texas has sentenced Dr. Wininger to 3 years in prison but has seen fit to probate that sentence for a like period of Texas.

CONCLUSION OF LAW

1. Dr. Carl D. Wininger is guilty of violation of Texas Revised Civil Statutes 6252 -- in that he has been convicted of a felony.
2. The Board of Podiatry Examiners has authority to suspend, revoke, probate the licensed of Dr. Carl Wininger.

ORDER

In light of the circumstance of this case, the Board hereby suspends that license of Dr. Carl Wininger for the period of his sentencing for the felony crime referenced above and further probated the suspension for a like period and in addition to and as a term and condition of probation to:

- (1) Perform 15 hours of community service per month, (if this service is done in nursing homes, documentation of performance of such service by the nursing home Director should be submitted quarterly to The Texas State Board of Podiatry Examiners.

- (2) Submit a surgical log giving the name and address of the patient, diagnosis, and nature, manner and method of the surgery performed.
- (3) Attend two meetings annually of the Texas Podiatry Association seminars.
- (4) Offer to lecture at Texas Podiatry Medical Association orientation courses to advise the new podiatrist in Texas of the pitfalls of medicare fraud.

Sincerely,



J.C. Littrell, D.P.M.
EXECUTIVE DIRECTOR

JCL/sm

cc: Mr. Barry M. Sax
Attorney At Law

Mr. Gus Lyons
Attorney

TEXAS STATE BOARD OF PODIATRY EXAMINERS
Semi Annual Meeting
Corpus Christi, Texas
June 12, 13, 14, & 15, 1986

CALL TO ORDER: The meeting of The Texas State Board of Podiatry Examiners was called to order at 11:00 a.m., June 12, 1986.

INVOCATION: The invocation was given by Dr. Eckert.

ROLL CALL: Member present were Dr.'s, Patterson, Scioli, Clark, Filippone, Eckert, Knecht and Executive Director J.C. Littrell. Also present was Asst. Atty. General Gus Lyons.

(The Board held a disciplinary hearing regarding Carl Wininger, D.P.M., who was convicted of medicare fraud by Federal Court, 1986.)

Dr. Wininger was represented by Barry Sax, Attorney of Law, Washington, D.C.

The Board was represented by Gus Lyons, Asst. Atty. General, legal counsel for the Board.

The Board moved to allow Barry Sax to represent Dr. Wininger before the Board.

Dr. Patterson opened the hearing. Mr. Lyons presented the findings of the pre hearing, recommending that some public service be preformed, that a 2nd opinion on surgeries be given and that Dr. Wininger report to the Board regularly.

Dr. Wininger then advised the Board as to his background in Podiatry and the events leading up to his conviction. During this, he admitted that he falsely billed medicare for services he did ~~not~~ to get even for other claims that were not paid.

The Board discussed the case and set forth the following order -----

- (1) Perform 15 hours of community service per month, (if this service is done in nursing homes, documentations of performance of such service by the nursing home Director should be submitted quarterly to The Texas State Board of Podiatry Examiners.
- (2) As long as the suspension of license is in effect, Dr. Wininger is to submit a surgical log giving the name and address of the patient, diagnosis, and nature, manner and method of the surgery performed. The Board may request that the records of selected cases be submitted for our evaluation or review.

- (3) Attend two meetings annually of The Texas Podiatry Association seminars.
- (4) Offer to lecture at Texas Podiatry Medical Association orientation courses to advise the new Podiatrists' in Texas of the pitfalls of medicare fraud.

Motion was made by Dr. Clark for the Board to accept these recommendations which was seconded by Dr. Scioli.
CARRIED:

(Dr. Wininger accepted the decree)

INSPECTION OF CREDENTIALS: A review of the credentials of the following candidates was held; Lynn Bell, D.P.M.; Paul Bigda, D.P.M.; Gregory Bryan, D.P.M.; William Capece, D.P.M.; Mark Cattie, D.P.M.; David Eisenberg, D.P.M.; Charles Fuselier, D.P.M.; Markus Giacomuzzi, D.P.M.; Douglas Gillis, D.P.M.; Alfred Glover, D.P.M.; William Goldman, D.P.M.; Andrew Goodow, D.P.M.; Lyle Haskell, D.P.M.; Kevin Higgins, D.P.M.; Gregory Hight, D.P.M.; Lori Hillman, D.P.M.; Gregory Jaryga, D.P.M.; Francis Jonston, D.P.M.; Dan Jones, D.P.M.; Richard Jones, D.P.M.; Janet Keeney, D.P.M.; Joanne Keister, D.P.M.; Edwin Knipstein, D.P.M.; Andrew Lynn, D.P.M.; Thomas McCloskey, D.P.M.; Mark Nahmias, D.P.M.; Robert Neville, D.P.M.; Eugene Nichols, D.P.M.; Diane Phalen, D.P.M.; Kurt Sitterly, D.P.M.; Nicholas Sol, D.P.M.; Mark Spector, D.P.M.; Anthony Spinella, D.P.M.; Laura Tighe, D.P.M.; Thomas Vail, D.P.M.; Paul Valenza, D.P.M.; Rickey Watson, D.P.M.; Selwyn Willis, D.P.M.; John Wright, D.P.M.; Roger Sinkoe, D.P.M.; Robert Palma, D.P.M.

READING OF MINUTES: The minutes of the previous meeting were read and accepted.
UNANIMOUSLY.

PRESIDENT'S REPORT: No report.

VICE-PRESIDENT'S REPORT: None.

EXECUTIVE DIRECTOR'S REPORT: Dr. Littrell went over correspondence the Board has receive since January of 86. Dr. Littrell welcome new Board Members Dr. Knecht and Dr. Eckert, with a brief orientation of the Boards' workings. He than gave a report on the new Iowa College of Podiatry. Dr. Littrell presented and discussed the 88-89 Budget with the Board.